

**UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
Norfolk Division**

RYRICKA NIKITA CUSTIS, #1207403,

Petitioner,

v.

ACTION NO. 2:13cv302

HAROLD CLARKE,  
Director

Respondent.

**FINAL ORDER**

Petitioner, a Virginia inmate, submitted a *pro se* petition, pursuant to 28 U.S.C. § 2254. ECF No. 1. The Petition alleges violations of federal rights pertaining to Petitioner's convictions in the Circuit Court for the County of Accomack for robbery and possession of a firearm after having been previously convicted of a felony. As a result of the convictions, Petitioner was sentenced on July 15, 2008, to serve forty years in the Virginia penal system.


The matter was referred to a United States Magistrate Judge pursuant to the provisions of 28 U.S.C. § 636(b)(1)(B) and (C) and Rule 72 of the Rules of the United States District Court for the Eastern District of Virginia for report and recommendation. The Report and Recommendation filed February 25, 2014, recommends dismissal of the petition. ECF No. 20. Each party was advised of his right to file written objections to the findings and recommendations made by the Magistrate Judge. On March 7, 2014, the Court received Petitioner's Objections to the Report and Recommendation. ECF No. 21.

The Court, having reviewed the record and examined the objections filed by Petitioner to the Report and Recommendation, and having made *de novo* findings with respect to the portions objected to, does hereby adopt and approve the findings and recommendations set forth in the Report and Recommendation. It is, therefore, ORDERED that the petition (ECF No. 1) be DENIED, Respondent's Motion to Dismiss (ECF No. 12) be GRANTED, Petitioner's Motion to Strike (ECF No. 17) be DENIED, and Petitioner's claims be DISMISSED WITH PREJUDICE. It is further ORDERED that judgment be entered in favor of Respondent.

Petitioner has failed to demonstrate "a substantial showing of the denial of a constitutional right," therefore, the Court declines to issue any certificate of appealability pursuant to Rule 22(b) of the Federal Rules of Appellate Procedure. *See Miller-El v. Cockrell*, 537 U.S. 322, 335-36 (2003).

Petitioner is hereby notified that he may appeal from the judgment entered pursuant to this Final Order by filing a *written* notice of appeal with the Clerk of this court, United States Courthouse, 600 Granby Street, Norfolk, Virginia 23510, within 30 days from the date of entry of such judgment.

The Clerk shall mail a copy of this Final Order to Petitioner and counsel of record for Respondent.

  
\_\_\_\_\_  
Mark S. Davis  
United States District Judge

\_\_\_\_\_  
Mark S. Davis  
UNITED STATES DISTRICT JUDGE

Norfolk, Virginia  
April 11, 2014